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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

METLAKATLA INDIAN COMMUNITY,
a Federally Recognized Indian Tribe,

Plaintiff,

v.

MICHAEL J. DUNLEAVY, Governor of
the State of Alaska,
DOUG VINCENT-LANG, Commissioner
of the Alaska Department of Fish and Game,
and AMANDA PRICE, Commissioner of
the Alaska Department of Public Safety,

Defendants.

Case No.: 5:20-cv-00008-JWS

**MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)**

Pursuant to Rule 12(b)(6), Defendants Michael J. Dunleavy, Governor of the State of Alaska, Doug Vincent-Lang, Commissioner of the Alaska Department of Fish and Game, and Amanda Price, Commissioner of the Alaska Department of Public Safety (collectively the “State”), move to dismiss the Metlakatla Indian Community’s

(“MIC”) October 1, 2020 amended complaint. Consistent with this Court’s August 28, 2020 order, the parties conferred before the State filed this motion to dismiss and were not able to resolve issues in a manner that obviated the need for the motion.

MIC fails to state a claim because in 1891 Congress did not grant—nor intend to grant—Metlakatlangs off-reservation fishing rights when it created the Annette Islands Reserve. Further, because Congress has not recognized that Metlakatlangs have any off-reservation fishing rights, the State retains full authority to regulate Metlakatlangs’ commercial fishing off-reservation.

Attached to this motion to dismiss are a memorandum in support of the State’s motion to dismiss, notice of certification of conferral as required by this Court’s August 28, 2020 order, and a certificate of service.

DATED: October 15, 2020.

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